UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,643	10/22/2003	Seiji Sakaki	61282-040	4048

7590 04/14/2006	**EXAMINER**
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600 13th Street, N.W.	
Washington, DC 20005-3096	

ART UNIT	PAPER NUMBER
2181	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action *Before the Filing of an Appeal Brief*	Application No. 10/689,643	Applicant(s) SAKAKI, SEIJI	
	Examiner Chun-Kuan (Mike) Lee	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>06 April 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

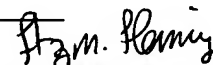   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>Please see Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

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U.S. Patent and Trademark Office

PTOL-303 (Rev. 7-05)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 04112006

In responding to applicant's argument that Overtoom et al. does not disclose, among other things, determining a function of a dual-role device assumed when it is connected to a hub, recording information indicating the function determined, comparing the information with a change in the state of D+ or D- of a USB data line to which the dual-role device is connected, and based on the comparison result, switch the function of the dual-role device from the USB host function to the USB device function or from the USB device function to the USB host function, as claimed. The argument has been full considered but is not fund to be persuasive.

Overtoom teaches a USB unit control method and system comprising:
determining a function of a dual-role device assumed when it is connected to a hub, wherein the hub determines if the external USB device is capable of host negotiation protocol (HNP), if the external USB device is capable of HNP (capable to operate as a dual-role device), the hub determines that the dual-role device will initially assume the USB device function, and furthermore, whenever the hub receives a request for USB bus control, the hub determines the current function of the dual-role devices (operating as the USB host or the USB device) in order to properly reconfigure the port device switch (col. 3, l. 55 to col. 4, l. 64);
recording information indicating the function determined, wherein the information would be recorded by the port switching device (Fig. 3 and Fig. 5, ref. 200) as the port switching device is reconfigured, therefore enabling one of the dual-role device to function as the USB host and the rest as the USB device (col. 3, l. 55 to col. 4, l. 64) (please note that the claimed limitation did not expressly stated how the recording is implemented, but rather simply stated as "recorded);
comparing the information with a change in the state of D+ or D- of a USB data line to which the dual-role device is connected, wherein the dual-role device's request for control of the USB bus results in the change in the state of D+ data line as a pull-up resistor is removed and upon comparing between the change in the state of the D+ data line and the information stated above, the hub reconfigures the port switching device accordingly (col. 3, l. 55 to col. 4, l. 64), and
based on the comparison result, switch the function of the dual-role device from the USB host function to the USB device function or from the USB device function to the USB host function, wherein the result of the reconfiguration, as stated above, would switch the dual-role device requesting for the USB bus control from the USB device function to the USB host function (col. 3, l. 55 to col. 4, l. 64).
More specifically, the hub will determine and then records the function of each of the external USB devices coupled to the hub's port, whether the external USB device is operating as a USB device or a USB host (if it is a dual-role device comprising HNP), in order to properly route the data or reconfigure the port switching device when necessary. Without implementing the determination and the recording, the hub will not be able to know which port and the associated external USB device is operating as the USB host and which is operating as the USB device, therefore unable to route the data or reconfigure the port switching device when a request for control of the USB bus is received.

All remaining dependent claims 2-12, depend directly on independent claim 1 is unpatentabe at least because they include all the limitations recited in the independent claim 1.